

REMARKS

The 35 USC §112 Rejections

Claims 1, 12-14, 17-19 were rejected under 35 U.S.C. §112, first and second paragraphs, for lack of enablement and being indefinite because the specification does not disclose a repeatable process to obtain the monoclonal antibodies, hybridomas or phage display clones.

Applicants submit that the claimed hybridomas have been deposited to obviate the rejection, and copies of deposit receipts were submitted in the Response After Final sent April 29, 2003. Applicants submit that the biological materials described in the specification as filed are the same as the deposited materials.

The specification has been amended to include the accession number for the deposit, the date of deposit, and the name and address of the depository as required in 37 C.F.R. 1.809. The specification has also been amended to include a statement that the deposit was made under the conditions that all restrictions imposed by the depositor on the availability of the deposited material to the public will be irrevocably removed upon the granting of the patent in compliance with 37 C.F.R. 1.808(a).

Claims 1, 7, 17 and 18 have been amended to include the patent deposit designations for the deposited hybridoma cell lines. Claims 12-14 and 19 have been canceled. Accordingly, Applicants respectfully request that the rejection of claims 1, 17-18 under 35 U.S.C. §112, first and second paragraphs, be withdrawn.

The 35 U.S.C. §103 Rejection

Claims 7-9 and 16 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. patent No. 5,686,600 in view of U.S. patent No. 5,837,242 and U.S. patent No. 5,870,852. This rejection is respectfully traversed.

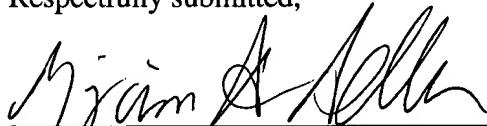
Applicants submit that claim 7 has been amended to obviate the rejection. Claim 7 is drawn to a pest eradication product comprising a first antibody or fragment thereof directed against the midgut of a pest, wherein said first antibody or fragment thereof is fused to a second antibody or fragment thereof directed against an antigenic epitope of a toxin. Claim 7 also recites the claimed first and second antibodies. Applicants submit that the cited patents do not teach or suggest a pest eradication product comprising the antibodies disclosed herein. Therefore, the invention as a whole is not *prima facie* obvious to one of ordinary skill in the art at the time the invention was made. Accordingly, Applicants respectfully submit that the rejection of claims 7-9 and 16 under 35 U.S.C. §103 be withdrawn.

This is intended to be a complete response to the Final Office Action mailed December 10, 2002. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution.

Respectfully submitted,

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